

04-12-01

A

Practitioner's Docket No. 55,693 (71699)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

1002 U.S. PTO  
 09/832393  
 04/10/01

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of  
 Inventor(s): **Frank Robert Witter, MD**

**WARNING:** 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): **METHODS FOR COLLECTING CORD BLOOD  
 AND RELATED DEVICES**

## CERTIFICATION UNDER 37 C.F.R. 1.10\*

(Express Mail label number is **mandatory**.)

(Express Mail certification is **optional**.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 04/10/01, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL730 723 749 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

William J. Daley, Jr.

(type or print name of person mailing paper)

*William J. Daley, Jr.*

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
 "Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**1. Type of Application**

This new application is for a(n)

*(check one applicable item below)*

- ☒ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s) No. 60/195,936, filed April 10, 2000 as provided on page 1 of subject application.

**3. Papers Enclosed**

**A. Required for Filing Date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application**

12 Pages of Specification  
5 Pages of Claims  
3 Sheets of Drawing

- ☒ Formal
- ☐ Informal

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).

**B. Other Papers Enclosed**

1 Page of Abstract  
\_\_\_ Other

**4. Additional Papers Enclosed**

- ☐ Amendment to claims
  - ☐ Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. § 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

**5. Declaration or Oath (including power of attorney)**

- ☐ Enclosed (unexecuted copy)

Executed by

- ☐ inventor(s).
- ☐ legal representative of inventor(s). 37 C.F.R. § 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.

- ☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).

☐ Showing that the filing is authorized.

- ☐ Not Enclosed.

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

**7. Language**

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

**8. Assignment**

☐ An assignment of the invention to Johns Hopkins University

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☒ will follow.

**9. Certified Copy**

Certified copy(ies) of application(s)

**Country** **Appln. No.** **Filed**

from which priority is claimed

☐ is (are) attached.

☐ will follow.

10. **Fee Calculation** (37 C.F.R. § 1.16)

A. ☒ Regular application

| CLAIMS AS FILED  |              |                     |              |      |  |
|--|--------------|---------------------|--------------|------|--|
| Claims   | Number Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee<br>37 C.F.R. §<br>1.16(a) \$710.00 |
| Total Claims<br>(37 C.F.R. §<br>1.16(c))                           | 37           | - 20 =              | 17           | x    | \$ 18.00                                     |
| Independent Claims<br>(37 C.F.R. §<br>1.16(b))                     | 8            | - 3 =               | 5            | x    | \$ 80.00                                     |
| Multiple Dependent<br>Claim(s), if any<br>(37 C.F.R. §<br>1.16(d)) |              |                     |              | +    | \$270.00                                     |

- ☐ Amendment cancelling extra claims is enclosed.  
☐ Amendment deleting multiple-dependencies is enclosed.  
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 1,416.00

B. ☐ Design application  
(\$310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

C. ☐ Plant application  
(\$480.00—37 C.F.R. § 1.16(g))

Filing Fee Calculation \$ \_\_\_\_\_

### 11. Small Entity Statement(s)

- ☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.
- ☐ Status as a small entity was claimed in prior application USSN:      /                     , filed on                      from which benefit is being claimed for this application under: 35 U.S.C. § ☐ 119(e), ☐ 120, ☐ 121, ☐ 365(c), and which status as a small entity is still proper and desired.
- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$ 708.00

**12. Request for International-Type Search (37 C.F.R. § 1.104(d))**

- [ ] Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time.

- [ X ]      Enclosed

- [X] Filing fee \$ 708.00

- [ ] Recording assignment  
(\$40.00; 37 C.F.R. § 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION.") \$ \_\_\_\_\_

- [ ] Petition fee for filing by other  
than all the inventors or person  
on behalf of the inventor where  
inventor refused to sign or cannot  
be reached  
(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i)) \$\_\_\_\_\_

- [ ] For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k)) \$ \_\_\_\_\_

☐ Processing and retention fee  
 (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

☒ Surcharge for filing application with missing parts  
 (\$130.00/65.00 37 C.F.R. § 1.16(e)) \$ 65.00

☐ Fee for international-type search report  
 (\$40.00; 37 C.F.R. § 1.21(e)) \$ \_\_\_\_\_

Total Fees Enclosed \$ 773.00

**14. Method of Payment of Fees**

☐ Check in the amount of \$ \_\_\_\_\_.

☒ Charge Account No. 04-1105 in the amount of \$ 773.00.  
 A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. \_\_\_\_\_.

☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).

☒ 37 C.F.R. § 1.17 (application processing fees)

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. **Instructions as to Overpayment**

☒ Credit Account No. 04-1105.

☐ Refund

  
SIGNATURE OF PRACTITIONER

Reg. No. 35,487

Tel. No. (617) 523-3400

William J. Daley, Jr.  
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
EDWARDS & ANGELL, LLP  
130 Water Street  
Boston, MA 02109

☐ **Incorporation by reference of added pages**

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added \_\_\_\_\_

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

☒ **Statement Where No Further Pages Added**

☒ This transmittal ends with this page.